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09400SB2197ham001

LRB094 15606 RLC 57569 a

1 AMENDMENT TO SENATE BILL 2197

2 AMENDMENT NO. _____. Amend Senate Bill 2197 on page 1,
3 line 9, by replacing "finer for violator" with the following:
4 "a graduated fine schedule for repeat violation, which may not
5 exceed \$100, or community service, or both, for violator 10
6 year of age or older"; and

7 on page 1, line 10, by replacing the period with the following:
8 "or through administrative hearing as determined by
9 ordinance. If the violator is under 10 year of age, the parent
10 or custodian of the violator is subject to the fine or
11 community service, or both."; and

12 on page 1, line 12, by inserting after the period the
13 following:
14 "A home rule unit may not regulate truant in a manner
15 inconsistent with the provision of this Section. This Section
16 is a limitation under subsection (i) of Section 6 of Article
17 VII of the Illinois Constitution on the concurrent exercise by
18 home rule unit of the power and function exercised by the
19 State."; and

20 on page 1, line 18 and 19, by replacing "finer for violator"
21 with the following:
22 "a graduated fine schedule for repeat violation, which may not
23 exceed \$100, or community service, or both, for violator 10

1 years of age or older"; and

2 on page 1, line 19, by replacing the period with the following:

3 "or through administrative hearings as determined by
4 ordinance. If the violator is under 10 years of age, the parent
5 or custodian of the violator is subject to the fine or
6 community service, or both."; and

7 on page 1, line 21, by inserting after the period the
8 following:

9 "A home rule unit may not regulate truants in a manner
10 inconsistent with the provisions of this Section. This Section
11 is a limitation under subsection (i) of Section 6 of Article
12 VII of the Illinois Constitution on the concurrent exercise by
13 home rule units of the powers and functions exercised by the
14 State."; and

15 on page 1, by inserting immediately below line 21 the
16 following:

17 "Section 11. The School Code is amended by changing Section
18 34-4.5 as follows:

19 (105 ILCS 5/34-4.5)

20 Sec. 34-4.5. Chronic truants.

21 (a) Office of Chronic Truant Adjudication. The board shall
22 establish and implement an Office of Chronic Truant
23 Adjudication, which shall be responsible for administratively
24 adjudicating cases of chronic truancy and imposing appropriate
25 sanctions. The board shall appoint or employ hearing officers
26 to perform the adjudicatory functions of that Office.
27 Principals and other appropriate personnel may refer pupils
28 suspected of being chronic truants, as defined in Section 26-2a
29 of this Code, to the Office of Chronic Truant Adjudication.

1 (b) Notices. Before any hearing may be held under
2 subsection (c), the principal of the school attended by the
3 pupil or the principal's designee shall notify the pupil's
4 parent or guardian by personal visit, letter, or telephone of
5 each unexcused absence of the pupil. After giving the parent or
6 guardian notice of the tenth unexcused absence of the pupil,
7 the principal or the principal's designee shall send the
8 pupil's parent or guardian a letter, by certified mail, return
9 receipt requested, notifying the parent or guardian that he or
10 she is subjecting himself or herself to a hearing procedure as
11 provided under subsection (c) and clearly describing any and
12 all possible penalties that may be imposed as provided for in
13 subsections (d) and (e) of this Section.

14 (c) Hearing. Once a pupil has been referred to the Office
15 of Chronic Truant Adjudication, a hearing shall be scheduled
16 before an appointed hearing officer, and the pupil and the
17 pupil's parents or guardian shall be notified by certified
18 mail, return receipt requested stating the time, place, and
19 purpose of the hearing. The hearing officer shall hold a
20 hearing and render a written decision within 14 days
21 determining whether the pupil is a chronic truant as defined in
22 Section 26-2a of this Code and whether the parent or guardian
23 took reasonable steps to assure the pupil's attendance at
24 school. The hearing shall be private unless a public hearing is
25 requested by the pupil's parent or guardian, and the pupil may
26 be present at the hearing with a representative in addition to
27 the pupil's parent or guardian. The board shall present
28 evidence of the pupil's truancy, and the pupil and the parent
29 or guardian or representative of the pupil may cross examine
30 witnesses, present witnesses and evidence, and present
31 defenses to the charges. All testimony at the hearing shall be
32 taken under oath administered by the hearing officer. The
33 decision of the hearing officer shall constitute an
34 "administrative decision" for purposes of judicial review

1 under the Administrative Review Law.

2 (d) Penalties. The hearing officer may require the pupil or
3 the pupil's parent or guardian or both the pupil and the
4 pupil's parent or guardian to do any or all of the following:
5 perform reasonable school or community services for a period
6 not to exceed 30 days; complete a parenting education program;
7 obtain counseling or other supportive services; and comply with
8 an individualized educational plan or service plan as provided
9 by appropriate school officials. If the parent or guardian of
10 the chronic truant shows that he or she took reasonable steps
11 to insure attendance of the pupil at school, he or she shall
12 not be required to perform services.

13 (e) Non-compliance with sanctions. If a pupil determined by
14 a hearing officer to be a chronic truant or the parent or
15 guardian of the pupil fails to comply with the sanctions
16 ordered by the hearing officer under subsection (c) of this
17 Section, the Office of Chronic Truant Adjudication may refer
18 the matter to the State's Attorney for prosecution under
19 Section 3-33.5 ~~3-33~~ of the Juvenile Court Act of 1987.

20 (f) Limitation on applicability. Nothing in this Section
21 shall be construed to apply to a parent or guardian of a pupil
22 not required to attend a public school pursuant to Section
23 26-1.

24 (Source: P.A. 90-143, eff. 7-23-97; 90-566, eff. 1-2-98.)"; and

25 by replacing lines 23 through 28 on page 1, all of page 2, and
26 lines 1 through 9 on page 3 with the following:

27 "changing Sections 3-1 and 3-15 and by adding Section 3-33.5 as
28 follows:

29 (705 ILCS 405/3-1) (from Ch. 37, par. 803-1)

30 Sec. 3-1. Jurisdictional facts. Proceedings may be
31 instituted under this Article concerning boys and girls who
32 require authoritative intervention as defined in Section 3-3 or

1 who are truant minors in need of supervision as defined in
2 Section 3-33.5 ~~3-33~~.

3 (Source: P.A. 85-1235.)

4 (705 ILCS 405/3-15) (from Ch. 37, par. 803-15)

5 Sec. 3-15. Petition; supplemental petitions. (1) Any adult
6 person, any agency or association by its representative may
7 file, or the court on its own motion may direct the filing
8 through the State's Attorney of a petition in respect to a
9 minor under this Act. The petition and all subsequent court
10 documents shall be entitled "In the interest of, a minor".

11 (2) The petition shall be verified but the statements may
12 be made upon information and belief. It shall allege that the
13 minor requires authoritative intervention and set forth (a)
14 facts sufficient to bring the minor under Section 3-3 or 3-33.5
15 ~~3-33~~; (b) the name, age and residence of the minor; (c) the
16 names and residences of his parents; (d) the name and residence
17 of his legal guardian or the person or persons having custody
18 or control of the minor, or of the nearest known relative if no
19 parent or guardian can be found; and (e) if the minor upon
20 whose behalf the petition is brought is sheltered in custody,
21 the date on which shelter care was ordered by the court or the
22 date set for a shelter care hearing. If any of the facts herein
23 required are not known by the petitioner, the petition shall so
24 state.

25 (3) The petition must allege that it is in the best
26 interests of the minor and of the public that he be adjudged a
27 ward of the court and may pray generally for relief available
28 under this Act. The petition need not specify any proposed
29 disposition following adjudication of wardship.

30 (4) If appointment of a guardian of the person with power
31 to consent to adoption of the minor under Section 3-30 is
32 sought, the petition shall so state.

33 (5) At any time before dismissal of the petition or before

1 final closing and discharge under Section 3-32, one or more
2 supplemental petitions may be filed in respect to the same
3 minor.

4 (Source: P.A. 85-1209; 85-1235; 86-1440.); and

5 on page 3, by replacing lines 11 through 13 with the following:

6 "Sec. 3-33.5. Truant minors in need of supervision."; and

7 on page 3, line 15, by inserting after "schools" the following:

8 ", or, in cities of over 500,000 inhabitants, by the Office of
9 Chronic Truant Adjudication,"; and

10 on page 3, line 19, by inserting after "schools" the following:

11 ", the Office of Chronic Truant Adjudication,"; and

12 on page 3, line 28, by inserting after "education" the
13 following:

14 ", the Office of Chronic Truant Adjudication,"; and

15 on page 3, line 33, by deleting "or unwilling"; and

16 on page 4, line 2, by inserting after "schools" the following:

17 ", the Office of Chronic Truant Adjudication,"; and

18 on page 4, line 4, by inserting after "schools" the following:

19 ", the Office of Chronic Truant Adjudication,"; and

20 on page 4, line 10, by inserting after "schools" the following:

21 ", the Office of Chronic Truant Adjudication,"; and

22 on page 4, line 15, by inserting after "schools" the following:

23 ", the Office of Chronic Truant Adjudication,"; and

24 on page 4, line 33, by inserting after "schools" the following:

1 " , or, in cities of over 500,000 inhabitants, by the Office of
2 Chronic Truant Adjudication"; and

3 on page 4, line 34, by inserting after "schools" the following:
4 " , or, in cities of over 500,000 inhabitants, the Office of
5 Chronic Truant Adjudication,"; and

6 on page 4, line 36, by inserting after "designee" the
7 following:

8 " , or, in cities of over 500,000 inhabitants, the general
9 superintendent of schools or his or her designee,"; and

10 on page 5, line 4, by inserting after "education" the
11 following:

12 "or the Office of Chronic Truant Adjudication"; and

13 on page 6, by inserting immediately below line 2 the following:

14 (705 ILCS 405/3-33 rep.)

15 "Section 20. The Juvenile Court Act of 1987 is amended by
16 repealing Section 3-33."